

## BAY CITY ORDINANCES

### ORDINANCE NO. 601

AN ORDINANCE RELATING TO THE CONTROL AND LICENSING OF DOGS; VIOLATIONS THEREOF AND PENALTIES; REPEALING ORDINANCE NO. 588.

THE CITY OF BAY CITY ORDAINS AS FOLLOWS:

Section 1. Repeal. Bay City Ordinance 588, codified as 5-1, and all other ordinances or portions thereof which are inconsistent with the terms of this ordinance are hereby repealed in their entirety.

Section 2. Definitions.

- 2.1 At Large. All dogs found upon any of the public streets, highways or other public places in the City of Bay City, Oregon, shall be deemed to be running loose or be at large within the meaning of this ordinance; except such dogs as may be under control by means of a chain or leash or upon voice or whistle control, or in or upon any vehicle, shall be deemed to be under the personal control of the owner or custodian thereof. Any dog shall be considered "running at large" when it is off or outside of the premises belonging to the owner of the dog and not under the control of its owner.
- 2.2 Good Samaritan. To encourage all citizens to aid and protect animals in distress, the taking in and caring for a dog in distress will not confer ownership of the dog; providing, that written notice is given to the City of Bay City within five (5) business days that a stray animal is being cared for and arrangements for disposition of the animal are made within ten (10) business days from the date of notice to the City.
- 2.3 Law Enforcement/Code Enforcement Officer. Any deputy sheriff, contract police officer, dog control officer, state police officer or person authorized by the City as a code enforcement officer.
- 2.4 Noise. Noise associated with dogs under this ordinance means frequent or prolonged barking, howling, baying, yelping or whining that is audible to persons beyond the private property boundary of the owner of the dog, which includes a vehicle if the dog is being transported in or on a vehicle.
- 2.5 Notice of Propensity for Aggressiveness. The owner of a dog has notice of that animal's propensity for aggressiveness if:
  - 2.5.1 The owner has personally observed any behavior by the dog that is defined by this ordinance as a propensity for aggressiveness;

- 2.5.2 The owner has been personally informed by any other person, either in writing or orally, that the dog has displayed behavior defined by this ordinance as a propensity for aggressiveness.
- 2.6 Owner. The owner of a dog means the person or persons who have taken responsibility for the welfare of the animal by providing the animal shelter, food and water to sustain the animal. Ownership may arise by purchase, gift, adoption or simply allowing a stray animal to take up residence for longer than five (5) business days without written notice to the City.
- 2.7 Propensity for Aggressiveness. A dog displays a propensity for aggressiveness if it:
- 2.7.1 Attacks a person by biting or mauling;
- 2.7.2 Attacks other dogs without provocation;
- 2.7.3 When approached by a person, does any of the following: snarls, growls, displays bared fangs, lays back ears or raises hackles.
- 2.8 Public property and places. Public property and places means all of the street rights-of-way, public parks and grounds, school, business and non-profit property normally open to the public.

Section 3. Violations. It shall be a violation of this ordinance if:

- 3.1 A person or an animal is attacked by a dog where an owner has had notice of a dog's propensity for aggressiveness and failed to take reasonable care to warn persons that may come into contact with such dog and/or failed to take reasonable care to ensure that such dog is properly restrained;
- 3.2 A dog is on public property or in a public place and is not on a leash and under the control of a person physically capable of maintaining control of the animal, except that a dog may be in or on a vehicle if state or other laws that regulate the transport of dogs in vehicles are complied with;
- 3.3 A dog is permitted to create noise as specified by this ordinance;
- 3.4 A dog is not licensed and vaccinated as specified by this ordinance;
- 3.5 The owner fails to remove his/her dog's defecation from any property other than the property of the owner;
- 3.6 A dog damages or destroys property other than that of the owner.
- 3.7 A dog scatters rubbish or garbage beyond the owner's property line;
- 3.8 A dog trespasses on private property of person other than that of the owner.
- 3.9 A dog kills, wounds, injures, or chases any livestock or animals not belonging to the owner.

Section 4. Presumption. It shall be rebuttably presumed that a dog has been engaged in killing, wounding, injuring or chasing livestock or other animals within the meaning of this ordinance if:

- 4.1 The dog is found chasing livestock or animals, not on the property of the owner of the dog, in an area where freshly damaged livestock or animals are found;
- 4.2 The dog is found feeding upon the warm carcass of livestock or other animal;
- 4.3 Portions of the anatomy or covering of the anatomy of livestock or animal are found on the teeth of the dog.

Section 5. Rabid Dogs.

- 5.1 If a law enforcement officer/code enforcement officer is notified that a person or animal has received a dog bite wound that penetrated the skin, the officer shall determine, if possible, whether or not the biting dog has a current rabies vaccination. If it does not have a current rabies vaccination or it cannot be determined to have such, the dog shall be placed in quarantine by the owner for a period of ten (10) days. If the owner cannot be located, the dog shall be transported by the officer to a suitable veterinary clinic for quarantine at the owner's expense for a period of ten days.
- 5.2 Any dog required to be quarantined shall be confined at the owner's expense in a veterinary hospital or dog kennel for a period of ten (10) days.
- 5.3 Any animal that has been bitten by a dog or other animal proved to be rabid shall be destroyed.
- 5.4 If a dog exhibits symptoms of rabies while it is under quarantine, the City or other enforcement agency may order in writing that it be destroyed and that its head be submitted to Oregon State Public Health Laboratory.

Section 6. Impoundment. The law enforcement/code enforcement officer shall impound any dog reasonably believed to have done any act in violation of this ordinance at the expense of the owner. Any law enforcement/code enforcement officer shall have the right to enter onto private land in the course of the officer's duties in enforcing the provisions of this ordinance, but such officer shall not enter into any building or dwelling without legal authorization or permission of the owner or occupant of the premises.

Section 7. Notice. Within one (1) business day, the law enforcement/code enforcement officer shall give written notice of impoundment of any dog by placing a door hanger notice on the residence door of the owner thereof, if such person be known to the law enforcement/code enforcement officer, and in all cases where an impounded dog wears a collar with an attached tag or plate bearing the name and address of the owner thereof; and, in all other cases, the law enforcement/code enforcement officer shall post a notice of impoundment on the bulletin board of the City Hall and at the US Post Office in Bay City, Oregon. These notices shall contain a general description of the impounded dog and shall designate the day upon which the dog will be disposed of unless sooner redeemed; and for the purpose of such notice, the description of

any dog impounded shall be deemed sufficient if the notice states the proximate color, sex and breed of the dog, where the breed can be readily determined.

Section 8. Interference with Impoundment. No person shall:

- 8.1 Interfere with any person engaged in seizing or impounding any dog under authority of this ordinance.
- 8.2 Encourage or urge any dog to attack or worry any person engaged in the performance of duties under this ordinance, or who threatens any person personally, or by use of the dog, engaged in the performance of duties under this ordinance.

Section 9. Complaint. Any person who has reason to believe a dog has violated any provisions of this ordinance may complain, in writing, to the City. The complaint shall be considered sufficient cause for the City to investigate the matter and determine if the owner of the dog is in violation of this ordinance. If the City's law enforcement officer/code enforcement officer determines that there is a reason to believe that a person allowed a prohibited act to occur, then the officer may issue a citation and may impound the offending dog, when appropriate.

Section 10. Hearing. If the owner of an impounded dog does not claim and redeem the dog within the period of five (5) days from the notice of impoundment, including the date of impoundment, the dog shall be disposed of humanely.

Section 11. Redemption. Any dog impounded under authority of this ordinance may be released to the owner by payment to the City Recorder at the City Hall, Bay City, Oregon, during regular business hours, fees as may be set by resolution.

Section 12. Records. The law enforcement/code enforcement officer shall keep a record describing all dogs impounded hereunder, which shall show the date and the time when impounded, a description by approximate weight, color, sex and breed where feasible, the owner's/keeper's name, if the name is known, and the disposition made of the dog. The records shall be filed with the City Recorder and be deemed public records of the City of Bay City, Oregon.

Section 13. Costs. The expense of caring for dogs impounded under this ordinance and any other expenses incurred in the enforcement of this ordinance shall be paid from such fund as is specified in the budget of Bay City, and all monies received for dog license fees, penalties, or other income attributable to this ordinance shall be credited to the general fund of the City of Bay City.

Section 14. Licenses. Every owner of a dog residing within the City of Bay City, which has grown a set of permanent canine teeth or has attained the age of six months, whichever event occurs first, shall immediately obtain a license for each dog owned from the City.

- 14.1 Licenses shall be valid from January 1<sup>st</sup> to December 31<sup>st</sup> of each year, and are renewable on January 1<sup>st</sup> of each year. All owners of dogs acquired during the year shall be licensed within 30 days of the time prescribed. A penalty of a \$10.00 shall be collected for each dog not licensed within 30 days from the time prescribed.
- 14.2 No license shall be issued until a certificate of vaccination for rabies, valid for the license year, is presented to the City Hall.
- 14.3 For record purposes, a new owner of a licensed dog is required to notify the City Recorder of the ownership change within 30 days of the transfer at no additional cost to the owner.
- 14.4 A license tag issued to a dog owner shall be attached securely to a collar or harness on the dog for which it was issued. If a license tag is lost, the owner may obtain a duplicate tag upon satisfactory proof of loss and payment of the required fee.
- 14.5 No license fee shall be required for any assistance trained dog, used as a guide dog, by any physically challenged person. A license shall be issued for such dog upon proper rabies vaccination and upon filing of an affidavit by the physically challenged person showing such dog to come within the exemption. Such affidavit shall be filed with the City Hall.
- 14.6 No license is transferable to another dog in the event of loss or death of the licensed dog.

Section 15. License Fees. Dog license fees which are due and payable upon the issuance of a license, and the other fees required to be paid under the provisions of this ordinance, shall be set by resolution.

Section 16. Enforcement. Citations for violation of any provision of this ordinance may be initiated by a law enforcement officer/code enforcement officer. Such citations shall be on a citation form available at City Hall and shall be served in person or by mail on the owner by the officer or City. All citations shall be issued for appearance in Tillamook County Justice Court.

Section 17. Fines. Any person found guilty of any violation of this ordinance, shall be punishable as a Class C violation, as determined by the Tillamook County Justice Court, plus court costs and the actual cost and expense of the seizure, holding, treatment, maintenance and disposal of the offending dog.

All fines and costs are civil debts owed to the City of Bay City. Collection of unpaid fines and costs may be made by lawsuit and levied on wages, bank accounts and personal property, or by referral to a commercial collection agency, or by any other method, whichever is determined by the City Council to be appropriate.

Section 18. Savings Clause. The repeal of any ordinance by Section 1 shall not preclude any action against any person who violated the ordinance prior to the effective date of this ordinance.

Section 19. Severability. The sections and subsection of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections of subsections.

PASSED by the City Council on the 14th day of January, 2003, and  
APPROVED by the Mayor this 14th day of January, 2003.

/s/ James A. Cole, Jr., Mayor  
James A. Cole, Jr., Mayor

ATTEST:

/s/ Linda Dvorak  
Linda Dvorak, City Recorder

First Reading: January 14, 2003  
Second Reading: January 14, 2003  
Ayes: 6  
Nays: 0  
Abstentions: 0